REMARKS

A final Office Action was mailed on January 11, 2005. Claims 1 – 12 are pending in the present application. With this Response, Applicant amends claims 1 and 7. No new matter is introduced. Support for the amendments may be found for example, in Applicant's specification at page 12, lines 11 through page 13, line 25.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,252,855 to Langley in view of U.S. Patent No. 5,307,351 to Webster. Claims 3 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Langley in view of Webster and U.S. Patent No. 6,370,173 to Shaffer et al. Claims 4 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Langley in view of Webster and U.S. Patent No. 5,579,301 to Ganson et al. Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Langley in view of Webster and U.S. Patent No. 5,115,429 to Hluchyj et al. Applicant amends claims 1 and 7 to further clarify the nature of his invention, and respectfully traverses the rejections.

In amended independent claims 1 and 7, Applicant respectively discloses a method and router for routing audio packets together with data packets in a network. For example, in amended independent claim 1, Applicant discloses:

> 1. A method of changing a fragment size of data packets in a router where a data packet is divided into data packets having the fragment size, and the data packets are transmitted to a network along with audio packets, comprising the steps of:
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> acquiring, in the router, a parameter indicative of whether proper audio quality is maintained through ongoing transmission of the audio packets; and
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> dynamically changing the fragment size of the data packets in response to the acquired parameter, wherein the step of dynamically changing further includes the steps of:

comparing a current value of the parameter to an average value of the parameter;

increasing or decreasing the fragment size in relation to a default fragment size when a deviation of the current value of the parameter from the average value of the parameter exceeds a predetermined threshold for a first predetermined period of time; and

resuming the default fragment size when the deviation of the current value of the parameter from the average value of the parameter falls below the predetermined threshold for a second predetermined period of time.

In a Response to the Office Action of May 10, 2004, Applicant made the following arguments:

> Langley discloses a method and apparatus for negotiating a maximum frame size to be used by endpoint devices at least an originator of frames and a recipient of frames in a frame relay network (see, e.g., abstract of Langley). According to the method of Langley (see, e.g., column 2, line 63 to column 3, line 25 of Langley):
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> > Each endpoint device can receive an acceptable delay for each originating device that uses the endpoint device to send information over the frame relay network. The endpoint device uses the lowest of the acceptable delays and the speed of the line to calculate the maximum size frame it can send and receive in order to maintain delays below the lowest acceptable level. Each endpoint device then transmits the maximum frame size it calculates to other endpoint devices on the frame relay network from which it is capable of receiving frames. Each endpoint device on the network sends frames that are not larger than the lower of the sending endpoint device's maximum frame size and the receiving endpoint device's maximum frame size.
> >
> > The resulting frames are the largest size that will not exceed an acceptable level of delay for either the sending or receiving device, minimizing the network traffic impact without exceeding the acceptable delay of the sending and receiving endpoint device. The frame sizes are tailored to the needs of each pair of endpoint devices: endpoint devices in communication for which the maximum possible delay is acceptable can use the maximum allowable frame size for the network, such as 4096 bytes. Other endpoint devices in communication will use a lower size frame, but not lower than necessary to ensure a delay not greater than the acceptable delay, minimizing the network traffic impact to that which is necessary to accommodate the needs of each device in communication.
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> Webster discloses a data communication apparatus directed to adjusting a length of data frames being assembled based on a determined degree of impairment of